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NORTHERN DISTRICT OF MISSISSIPPI

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

JUL 21 2008

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

JAMES EDWARDS CONEGIE,
Petitioner,

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Case

No. #4:07cr00057-
001

vs.

UNITED STATES OF AMERICA,
Respondent.

MOTION FOR SENTENCE MODIFICATION/REDUCTION
PURSUANT TO TITLE 18 U.S.C. § 2582(c)(2) ON
AMENDMENT NO. # 706 FOR CRACK COCAINE OFFENSES

COMES NOW, Petitioner: James Edwards Conegie, in pro-se, without the assistance of a professional attorney, Moving this Honorable Court a modification/reduction of his sentence pursuant to the recent Amendment No. #706, where the Sentencing Commission lowered the sentencing ranges for crack cocaine offenses by a two level reduction.

Thus, Petitioner requests respectfully that his sentence be respectfully that his sentence be reduced two levels to the low end of the new amended applicable sentencing range.

JURISDICTION

Section 3582(c)(2) Of Title 18, United States Code provides In the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 USC § 994(o), upon motion of the defendant or the Director of the Bureau of Prisons, or on its own motion, the court may reduce the term of imprisonment, after considering the factors set forth in section 3553(a) to

the extent that they are applicable, if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission. Id.

FACTS AND HISTORY OF THE CASE

(1): Petitioner pled guilty to counts 2 and 4 of the Indictment in this case, which charged:

(a): Possession with Intent to Distribute in Excess of Five (5) Grams of Cocaine Base (Crack) pursuant to Title 21 U.S.C. §§ 841(a) and 841(b)(1)(B); and,

(b): Felon in Possession of a Firearm, pursuant to Title 18 U.S.C. §§ 924(a) and 922(g)(1).

(2): Petitioner was sentenced on January 3, 2008, by the District Court Judge (Pepper), to serve a term of imprisonment of 58 months, and 5 years supervised release.

(3): The amount of crack cocaine involved in this case was five grams, which yields a Base Offense Level of 24, under the current new Sentencing Guidelines: ("At least 5 G but less than 20 G of Cocaine Base"). U.S.S.G. § 2D1.1(c)(8). November 2007.

(4): At Base Offense level 24, with a Criminal History Category of One, Yields a sentencing range of 51-63 months of imprisonment. With a three (3) level reduction for acceptance of responsibility, Yields a sentencing range of 37-46 months of imprisonment at Base Offense Level 21. However, with the New Amendment No. #706, with a two level reduction, Yields a new Base Offense Level of 19 and a sentencing range of 30-37 months of imprisonment under Criminal History Category One.

(5): Thus, Petitioner believes the Sentencing Court did not adequately applied the new crack cocaine amended ranges to his case during sentencing, and he now asks the court to do so in his favor respectfully without a sentencing hearing.

CRACK COCAINE AMENDMENT LAW 706

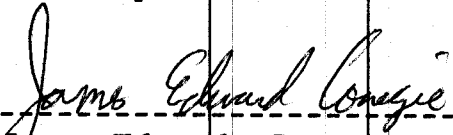
(6): As of November 1, 2007, pursuant to 28 U.S.C. § 994(a) and (p), the United States Sentencing Commission Amendment 706, became effective which pertains to offenses involving cocaine base ("crack") has the effect of lowering the guideline sentencing range and became effective November 1, 2007. The crack cocaine amendment adjusts downward by two levels the base offense level assigned to each threshold quantity of crack cocaine listed in the Drug Quantity Table in § 2D1.1. The amendment assigns, for crack cocaine offenses, base offense levels corresponding to guideline ranges that include the statutory mandatory minimum penalties for cocaine base.

The United States Sentencing Commission unanimously voted on December 11, 2007, to give retroactive effect to the recent amendment 706 to the Federal Sentencing Guidelines that reduces penalties for crack cocaine offenses. Retroactivity of the crack cocaine amendment became effective on March 3, 2008.

(7): Thus, Petitioner believes his case is applicable to receive the benefits of this reduction in his base offense level as demonstrated above, and should be applied to his case to reduce his sentence of imprisonment.

CONCLUSION

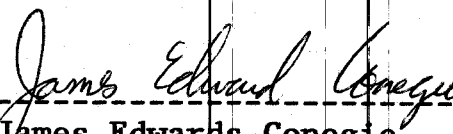
WHEREFORE, Petitioner prays this Honorable Court would reduce his sentence according to Amendment #706, after granting this motion pursuant to 3582(c)(2), in light of Justice respectfully.



James Edwards Conegie
Reg. No. # 12584-042
Federal Prison Camp, Montgomery
Maxwell Air Force Base,
Montgomery, Alabama 36112

AFFIRMATION

I, James Edwards Conegie, AFFIRM that the statements made in this motion are accurate to the best of my understanding of the law as a pro-se litigant, without the assistance of a professional trained attorney respectfully.



James Edwards Conegie
Reg. No. # 12584-042
Federal Prison Camp, Montgomery
Maxwell Air Force Base
Montgomery, Alabama 36112

CERTIFICATE OF SERVICE

I, James Edwards Conegie, CERTIFY that I have served a exact copy of this 3582(c)(2) motion upon the interested parties listed below on this 14th day of July 2008, by depositing each mail into the U.S. Postal Service Mail Box on the compound of FPC Montgomery as regular first class mail sealed and prepaid respectfully.

Interested Parties:

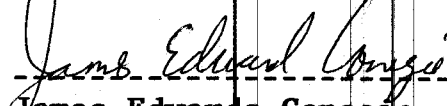
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1: Federal Building
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Respectfully submitted, this 14th day of July, 2008.



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